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 SOLUTIONS, LLC; and, Defendant, JOHN REITSMA

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

BIOMAGIC, INC., a Delaware  
 corporation

Plaintiff,

v.

DUTCH BROTHERS;  
 ENTERPRISES, LLC; AGRAKEY  
 SOLUTIONS, LLC; and JOHN  
 REITSMA, and DOES 1 to 10,

Defendants.

Civil Action No.:  
 SACV10-00290 JST (RNBx)

**[PROPOSED] ORDER**  
**GRANTING JOINT MOTION TO**  
**DISMISS ALL CLAIMS AND**  
**COUNTERCLAIMS**

Hon. Josephine Staton Tucker

AND RELATED CROSS ACTIONS

1 Plaintiff/Counter-Defendant BioMagic, Inc., Counter-Defendants Janice  
2 Alfrey and Paul Alfrey, Defendants/Counterclaimants Dutch Brothers  
3 Enterprises, LLC and AgraKey Solutions, LLC and Defendant John Reitsma  
4 having represented to the Court that they have resolved this matter and the Court  
5 having considered the parties' Joint Motion To Dismiss All Claims And  
6 Counterclaims and good cause appearing, hereby GRANTS the parties' Joint  
7 Motion and the Court Orders as follows:

- 8 1. This Court has jurisdiction over these parties and the subject matter  
9 within.
- 10 2. Venue is proper in this judicial district.
- 11 3. All claims filed herein by BioMagic, Inc. against Dutch Brothers  
12 Enterprises, LLC, AgraKey Solutions, LLC and John Reitsma are  
13 dismissed with prejudice.
- 14 4. All counterclaims filed herein by Dutch Brothers Enterprises, LLC  
15 and AgraKey Solutions, LLC against BioMagic, Inc., Janice Alfrey  
16 and Paul Alfrey are dismissed without prejudice. However, Dutch  
17 Brothers Enterprises, LLC, AgraKey Solutions, LLC and John  
18 Reitsma shall not affirmatively assert said counterclaims based  
19 upon the facts of this action in a declaratory judgment action  
20 against BioMagic Inc., Janice Alfrey or Paul Alfrey. Dutch  
21 Brothers Enterprises, LLC, AgraKey Solutions, LLC and John  
22 Reitsma reserve the right to file a declaratory judgment action  
23 affirmatively asserting said counterclaims based upon a different  
24 set of facts not of this action.

1           5.     Each party shall each bear its own costs and attorneys' fees with no  
2                 admission of liability by any party.

3     **IT IS SO ORDERED.**

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5     Dated: January 24, 2011\_           By: JOSEPHINE STATON TUCKER  
6   The Honorable Josephine Staton Tucker  
   United States District Court Judge

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